G. R. S. App. F. IX-4]

Previous References.

1940

(Law

File-N 156-40.

Serial Nos. 1-2.

Later References.

Law 45-43 (61-62)

Law 255-42 (1-4)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Drowned

Part B for Aug/41

R.A. no. 128/40-41 on the file of the High Court of Mysore

(The Bank of Mysore Ltd Vs Chief Secretary)

Serial No.

19. Date

1st July 1941

letter no. 1983/ dated 27th June 1941 from the Registrar High Court of Bellary forwarding for service notice in Duplicate in the above noted appeal case

The suit in the lower court has been dismissed with Costs

Endrse C.O. sanctioning the appearance of the Advocate General in the above case is put up for approval or other orders.

The original notice flagged 'Z' is put up for signature and a draft acknowledgement of a letter to the Registrar returning the original notice is also put up for orders.

2nd/5

Hon P.O. may be approved (as Secretary). 3/7/41

3/7 Minister Law.)

Hon 2/7/41.

8/7

3/7/41

Hon 9/7/41.

3 9/7/41

C. no. P 212-14/ issued on 12/7/41 to the Director Sandal wood oil factory Ulsoor & to the petitioner - sanctions the appearance of the Advocate General in the above case

Letter no. 415/19 dated 15th July 1941 from the writer Sandal wood oil factory requesting

records forwarded to the Office with his letter No. 22/69/1.3 dated 9th July 1941 may be returned if they are no longer required

---

Letter No. 30 dated 18th July 1941 from the Advocate General intimating that he will appear in the above case and do the needful in the matter.

With reference to the letter of the Mysore Sandalwood Oil Factory it is submitted that the records received from him referred to therein have been forwarded to Mr. K. Ramaswamy, Mysore to enable him to prepare the written statement in the case filed by Mr. Veerendrakumaraiah, son of the late Vardhamanaiah, against Govt.

With reference to the notes of the Law Secy. in the margin on the letter of the Advocate General "Is he not interested in the Bank?", it is submitted that Mr. Advocate General would perhaps have pointed it out if he was interested in the Bank. It is for orders if the Advocate General may be addressed in this behalf by means of a D.O. letter.

Draft D.O. letter to the Advocate General

is interested in the Mysore Bank to undersigned

Officer for Govt. in the way Officer as the G.P.O. has already issued. It is this case, which was handled by K. Ramaswamy in the last Privy Council. The records required by Director are all those now sent by K. Ramaswamy to the Advocate General

RA-128/40-II Letter from the High Court

General and Revenue Secretariat	File No.	of 194	[App. F. III-2

Serial No.	

ofc for record when be wanted then we will get them from the R. Registry Here does not seem to be any. hurry for these records The Govt should keep in order the probable date when the appeal may come on for hearing Cases to be argued begin in High Court.

Law Secretary 3/3/41

may be done.

...1/41.

Put up a Draft as at A.

3/3/41

A draft to the Advocate General is put up for approval

3/4/41

Recd 7/8

D. 569 issued to Advocate General on 6/8/41

SECY. LAW DEPT.
13 AUG. 1941
GOVT OF MYSORE

13. AUG. 1941

938 p 41

No. 92

Office of the Advocate General
in Mysore,

Bangalore 12th August 1941.

From

The Advocate General
in Mysore, BANGALORE.

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Law Department, BANGALORE.

Sir,

r Appeal No.128 of 1940-41 on the file
of the High Court of Mysore (The Bank of
Mysore Ltd., VS. The Chief Secretary to
Government and another).

With reference to your letter No. P.569 dated the 6th August 1941, I have the honor to state that the records of the above appeal are not yet printed, and that it may therefore take some more months for it to come up for hearing.

I have the honor to be,
Sir,
Your most obedient servant,

Mordenkathanda Nanjappa

Advocate General.

745 B 40

BANGALORE, Law 158-40-

Dated 27-6-1941

From

THE REGISTRAR,
High Court of Mysore, Bangalore

To

THE ~~DISTRICT JUDGE~~, chief Secretary
to the Govt of Mysore, public Office
Bangalore.

SIR,

I have the honor to forward herewith for service, notices in duplicate in. .....R.A.....No. .....128/.....of 1940-41....., on the file of this Court, and to request that you will be so good as to ~~cause~~ retain the duplicate ~~to be served on the person named therein~~, and return the original ~~returned~~ to this Court with due endorsement of service thereon.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Registrar.

D 02385—GPB—2,000—16-3-36

IN THE HIGH COURT OF MYSORE, BANGALORE.

R. A. NO. 128/1940-41.

APPELLANT:-- The Bank of Mysore, Ltd., Avenue Road, Bangalore City by its Manager, Mr.F.L.Peradon, Bank's premises, Avenue Road, Bangalore City.
(Plaintiff)

-- VS --

RESPONDENTS:-- 1. The Government of Mysore by the Chief Secretary to the Government of Mysore, Bangalore. (1st Defendant).

2. M.V.Veerendrakumariah, aged 19 years son of late Mr.Vardhamanaiah, ~~minor by guardian S.S.Rajamma~~ residing in Laxmipuram, Mysore City.

Under Section 96 of the Code of Civil Procedure the Appellant above-named begs to appeal against the judgment and decree passed by the District Judge, Mysore in O.S.No.2/39-40 for the following among other grounds:-

(1). The learned District Judge erred in disregarding the principle of Law which makes a distinction between a revenue sale held for arrears of land revenue and that for the recovery of money due under a contract.

(2). The learned District Judge ought to have held that the 1st respondent who

purchased the suit properties under a sale o
the latter category gets only the existing
rights of the debtor in the properties sold
and hence the mortgage in favour of the appe
is not affected by such a sal

(3). That the learned District Judge h
failed to consider that valuable properties
been purchased by the 1st respondent for a s
of Rs.6,000/- only who in turn agreed to reco
the same for the same amount to the widow of
judgment-debtor The learned District Judg
ought to have held that the whole transactio
was benami one and as such not binding on th

4). The learned District Judge ought
have held that in any case, the appellant
a right to redeem the property when he had o
tained execution by attachment of the mortg
interest in the property

That the learned District Judge er
in holding (a) that because of the purchase b
the properties by the appellant the attachmen
had ceased (b) that by a purchase in the reve
sale, the 1st respondent became the owner of
the property free from attachment effected by
the appellant

That for purpose of court fee the
appeal is valued at Rs.1,691-6-0 and a court
fee of Rs.975/- is herewith p...

(7). Taking into consideration the time
taken for copying the appeal is in tim

against Law, facts and equities of the

(9). W h e r e f o r e the appellant prays that the judgment and decree of the learned District Judge be set aside with - costs.

For the Bank of Mysore, Ltd.,

MANAGER.
Appellant.

ADVOCATE FOR APPELLANT.

Bangalore City,
7th March, 1941.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 7th July 1941.

No. P.105/Rule-1-

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Registrar,
High Court of Mysore, Bangalore.

S i r,

Subject: R.A.No.128 of 40-41 ~~xxxx~~ on the file of the High Court of Mysore.

I am directed to return herewith duly signed the original notice received with your letter No.1983 dated 27th June 1941.

I have the honour to be,
Sir,
Your most obedient servant,

h

Secretary to Government,
Law Department.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

R E A D.

Letter No.1983 dated 27th June 1941 from the Registrar, High Court of Mysore forwarding for service the first respondents Notice in R.A.No.128/40-41 on the file of the High Court of Mysore (The Bank of Mysore, Ltd., -vs- Chief Secretary to Government and another.

O R D E R No.P. 212-14 Law 156-40-2

Dated, Bangalore, the 12th July 1941.

The Advocate-General in Mysore is requested to appear on behalf of Government in the appeal case referred to above on the 21st day of July 1941 and take necessary further action in the matter in accordance with the Rules laid down for the conduct of the legal affairs of Government and the Director, Sandalwood Oil Factory, Mysore is requested to forward to the Advocate-General direct all the connected records at an early date.

By order,
Secretary to Government,
Law Department.

To--The Advocate-General in Mysore, with the duplicate notice and a copy of the appeal memorandum.

The Director, Sandalwood Oil Factory with a copy of the appeal Memo.

The Comptroller to the Government of Mysore.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

Section. Law

File No. 156-40

Serial No. 2

General and Revenue Secretariat

( )

the *193*

Proceedings of the ***Government*** *of His Highness the* ***Maharaja*** *of Mysore.*

Date of issue 12/7/41 193

Signed by Mr. K.S.P

Read—

Letter no. 1983/ dated 27th June 1941 from the Registrar High Court of Mysore forwarding for service the first respondent's Notice in R.A. no. 128/40 on the file of the High Court of Mysore (The Bank of Mysore Ltd. v/s Chickaseetharamiah & Co. and another);

Order no P212-14 Date 12.7.41

~~Order thereon—No.~~

The Advocate General in Mysore is requested to appear on behalf of Govt. in the appeal case referred to above on the 21st day of July 1941 and take necessary further action in the matter in accordance with the Rules laid down for the Conduct of [illegible]

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

and the Director Sandal Wood Oil Factory, Mysore is requested to forward to the Advocate General direct all the connected records at an early date

HM 2/7/41

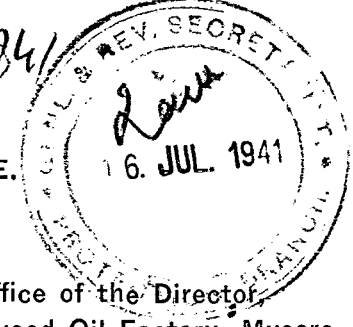
Secy to Govt Law Dept

1) The Advocate General in Mysore with the duplicate notice and a copy of the appeal memorandum

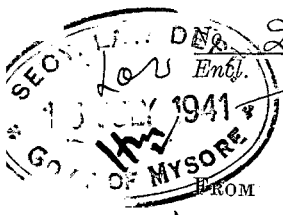
2) The Director Sandal wood oil Factory with a copy of the appeal mem

Tel. Address: " SANDAL " MYSORE.
Telephone No. 285

327/41 P 84



GOVERNMENT OF MYSORE.



Office of the Director,
Sandalwood Oil Factory, Mysore.

Dated .....15th July..... 1941

1617/41

FROM

S. G. SASTRY, Esq., B.A., M.Sc. (Lond.),
Director, Sandalwood Oil Factory.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, Bangalore.

Sir,

Subject:- R.A. No.128/40-41 on the file of the High Court of Mysore (The Bank of Mysore, Ltd. Vs. Chief Secretary to Government; etc.)

With reference to Government Order No.P.212-14/Law.156-40-2 dated 12.7.41 on the subject, I have the honour to submit herewith for your kind information a copy of my letter addressed to the Advocate-General in Mysore, Bangalore. The file of connected records submitted to Government with my letter No.162/19 dated 9.7.41 may kindly be returned, if it is no longer required.

I have the honour to be,
S i r,
Your most obedient servant,

Sastry

Director.

Tel. Address : "SANDAL" MYSORE.
Telephone No. 362.

GOVERNMENT OF MYSORE

No.
Encl.

Office of the Director,
Sandalwood Oil Factory, Mysore.

Dated .....15th July..... *193*/41

FROM

S. G. SASTRY, ESQ., B.A., M.SC. (Lond.),
Director, Sandalwood Oil Factory.

To

Mirle N. Lakshminaranappa, Esq., B.A., LL.B
Advocate-General in Mysore, Bangalore.

SIR,

Subject:- R.A. No.128/40-41 on the file of the High Court of Mysore - The Bank of Mysore, Ltd. Vs.Chief Secretary to Government, etc.

As directed in Government Order No.P.212-14/Law 156-40-2 dated 12th July 1941, I have the honour to forward herewith the file of connected records available in this office.

Another file of papers relating to the revenue sale and purchase of the two bungalows in question has been submitted to Government in the Law Department for issuing instructions in connection with O.S. No.15/1940-41 on the file of the District Judge, Mysore.

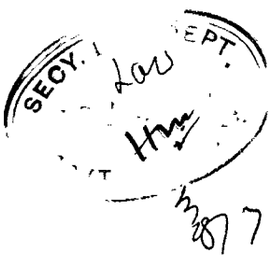
I have the honour to be,
Sir,
Your most obedient servant

Director.

No. 38

Office of the Advocate General
in Mysore,

Bangalore 17th July 1941.
18th



3887

From

The Advocate General
in Mysore, BANGALORE.

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Law Department, BANGALORE.

Sir,

I have the honor to acknowledge receipt of Government Order No. P.212-14/Law.156-40-2 dated the 12th July 1941 authorisi me to appear on behalf of Government in conducting Regular Appeal No.128 of 1940-41 on the file of the High Court of Mysore, (The Bank of Mysore, Ltd., VS. The Chief Secretary to Government and another) and to state that I shall appear in the case as desired and do the needful in the matter. The result will be intimated to you as soon as the case is disposed of.

I have the honor to be,

Sir,

Your most obedient servant,

Muhammad Ahmed Mirza
Kempe

Advocate General.

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19*

Date of issue 6/8/41

Signed by Mr. K.P.P

Section

File No.

Serial No.

No. P 569

To

The Advocate General

in Mysore, Bangalore.

Subject:— R.A. no. 128/40-41 on the file of the High Court of Mysore

(The Bank of Mysore Ltd vs. Chief Secretary)

Sir,

With reference to your letter no 38 dated 18th July 1941 on the above subject, I am directed to request you to intimate to this office the probable date on which the above noted Appeal case may come up for hearing before the High Court of Mysore.

I have etc

Sd/-

6—GPB—40,000—30-7-40

For Secretary

6th August 1941.

The Advocate-General

in Mysore, Bangalore.

Subject: R.A.No.128/40-41 on the file of the High Court of Mysore (The Bank of Mysore, Ltd., -vs- Chief Secretary to Government).

With reference to your letter No.38 dated 18th July 1941 on the above subject, I am directed to request you to intimate to this Office the probable date on which the above noted Appeal Case may come up for hearing before the High Court of Mysore.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,